

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION

Johnny Ray Smith,

Plaintiff,

vs.

W.G.D.C. Detention Center, SC,

Defendant.

Civil Action No. 9:20-cv-980-CMC

**ORDER**

This matter is before the court on Plaintiff's Complaint filed March 9, 2020. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2), D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for pre-trial proceedings and a Report and Recommendation ("Report") on dispositive issues.

On March 24, 2020, the Magistrate Judge entered a Proper Form Order, notifying Plaintiff of deficiencies in this case, including that he had not named a proper defendant. ECF No. 8. Plaintiff was given 21 days to file an Amended Complaint, and a blank Complaint form was attached. *Id.* at 3. He was warned failure to bring the case into proper form may subject the case to dismissal for failure to prosecute and to comply with an Order of the court. *Id.* Plaintiff did not file a response.

On April 24, 2020, the Magistrate Judge entered a Report recommending the case be dismissed because Plaintiff failed to name a proper defendant, allege facts allowing a proper claim under § 1983, or respond to the court's order. ECF No. 13. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff did not file objections and the time for doing so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”) (citation omitted).

After a review of the record, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error and agrees with the Report’s recommendation this matter should be dismissed. Accordingly, the court adopts the Report by reference in this Order. This matter is dismissed without prejudice and without issuance and service of process.

**IT IS SO ORDERED.**

s/Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
Senior United States District Judge

Columbia, South Carolina  
May 26, 2020